THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.26880 OF 1996

Dated 28th February 2007

Between:

B.Narsinga Rao

…Petitioner

and

The District Collector, Visakhapatnam & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 26880 OF 1996

O R D E R:

The petitioner claims that on an application made by him, the then Tahasildar, Visakhapatnam, issued proceedings, dated 4.6.1979, making the provisional assignment of Acs.5-00 of land, in Sy.No.346/2 of Thimmapur village, Madhurawada, Visakhapatnam, in accordance with the relevant Board Standing Orders. It is stated that he is in possession and enjoyment of the same. On an earlier occasion, he approached this court, by filing W.P.No.10958 of 1990, seeking a direction to the respondents, to grant D-Form patta, so that he can enjoy the rights over the land, effectively. The writ petition was disposed of on 13.7.1990, with a direction to dispose of the representation of the petitioner and for grant of D-form patta. After making reference to certain developments that are said to have taken place, the petitioner states that even after recommendation by the concerned authority, the patta was not granted by the District Collector,

the

1st respondent herein. He seeks appropriate direction, in this regard.

On behalf of the respondents, a counter affidavit is filed. It is stated that though the petitioner was granted conditional patta, he did not bring the land under cultivation. Further, circular dated 2.12.1996, issued by the 1st respondent, is cited as a reason for not granting any D-form patta in favour of the petitioner.

None appeared for the petitioner.

Heard the learned Government Pleader for the respondents.

The grievance of the petitioner is that though he has been granted provisional patta for an extent of Acs.5-00 of land, way back in the year 1979, he is unable to exercise his rights, effectively, on account of non-issuance of D-form patta. Earlier, this court directed the 1st respondent herein, to pass appropriate orders, on the representation made by the petitioner. In the counter affidavit filed in this writ petition, it is stated that there is a prohibition against granting D-form pattas, in the lands surrounding Visakhapatnam city.

Once a policy decision is taken by the Government, not to assign any land in a particular locality, this court cannot compel them to grant such pattas. However, the rights, which the petitioner had derived under the provisional patta, cannot be taken away.

For the foregoing reasons, the writ petition is disposed of, directing that the rights of the petitioner that have accrued to him under the patta granted through proceedings dated 4.6.1979, shall not be disturbed, except in accordance with law. There shall be no order as

to costs.

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28th February 2007

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